

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 914

Introduced by Assembly Member Reyes

February 20, 2003

An act to amend Sections 53100, 53103, 53104, 53105, 53106, 53108.1, 53108.5, 53109, 53112, 53113, 53114, 53114.2, 53115, 53115.2, 53115.3, 53116, and 53117 of, to add Section 53102.5 to, to repeal Sections 53108, 53109.5, 53114.1, 53119, and 53120 of, and to repeal and add Section 53107 of, the Government Code, and to amend Sections 41001, 41007, 41009, 41010, 41011, 41012, 41013, 41015, 41016, 41017, 41018, 41020, 41021, 41025, 41027, 41030, 41031, 41136, 41137, 41137.1, 41138, 41140, 41141, 41142, and 41150 of the Revenue and Taxation Code, relating to public safety communications.

LEGISLATIVE COUNSEL'S DIGEST

AB 914, as amended, Reyes. Public safety communications.

(1) Existing law establishes the Public Safety Communication Act of 2002.

The Warren 911 Emergency Assistance Act requires every local public agency to establish a telephone service that automatically connects a person dialing the digits 9-1-1 to an established public safety answering point through normal telephone service facilities. At the 9-1-1 public safety answering points serving an area where 5% or more of the population speak a specific primary language other than English, operators who speak each of these languages are required to be on duty

or available at all times for '9-1-1' emergency services. The Communications Division within the Department of General Services is required to coordinate the implementation of systems established pursuant to the act and assist local public agencies and local public safety agencies in obtaining financial help to establish emergency telephone service.

This bill would revise and rename the act as the Telecommunications Emergency Response System Act, and would, among other things, rename the Communications Division within the Department of General Services as the Telecommunications Division, require the division to provide funding to local public agencies and local public safety agencies to establish and maintain a system, and require all public safety answering points to have access to operators who speak other languages, in addition to English, at all times for telecommunications emergency services.

(2) The Emergency Telephone Users Surcharge Act requires any person supplying intrastate telephone communication services, as specified, in the state to collect a surcharge imposed on amounts paid by every person in the state for intrastate telephone communication service. It requires the Department of General Services to annually determine a surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year's 9-1-1 costs, but prohibits the surcharge rate in any year to be greater than $\frac{3}{4}$ of 1% nor less than $\frac{1}{2}$ of 1%. It establishes the State Emergency Telephone Number Account into which the payments made pursuant to the act are deposited. It requires, upon appropriation, funds in the account to pay, among other things, bills submitted to the department by service suppliers or communications equipment companies for the installation of, and ongoing expenses for, specified communications services.

This bill would revise and rename the act as the Emergency Telecommunications Surcharge Act, require the surcharge to be collected for intrastate telecommunications services, and require the Department of General Services to annually determine a surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year's telecommunications emergency response system costs, ~~but would prohibit the surcharge rate in any year from being greater than 2% or less than 1%.~~ It would revise what expenses may be paid from the Emergency Telephone Number Account, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. Section 53100 of the Government Code is amended to read:

53100. (a) This article shall be known and may be cited as the Telecommunications Emergency Response System Act.

(b) The Legislature hereby finds and declares that it is in the public interest to expedite the time required for a citizen to request and receive emergency aid. While the 9-1-1 system continues to be the primary method of reporting emergencies and requesting emergency aid, the reporting system needs updating to incorporate various forms of telecommunications technologies. The Legislature further finds and declares that the establishment of a uniform, statewide telecommunications emergency response system is a matter of statewide concern and interest to all inhabitants and citizens of this state. It is the purpose of this act to establish the telecommunications emergency response system as the primary emergency telecommunications system for use in this state and to encourage units of local government and combinations of these units to develop and improve emergency communication procedures and facilities in a manner as to be able to quickly respond to any person calling the telephone number “9-1-1” seeking police, fire, medical, rescue, and other emergency services.

SEC. 2. Section 53102.5 is added to the Government Code, to read:

53102.5. “Public safety answering point,” as used in this article, means a telecommunications center capable of both of the following:

(a) Receiving requests for emergency services by means of multiple telecommunications sources including 9-1-1 circuits.

(b) Dispatching the necessary emergency services resources in response to a request.

SEC. 3. Section 53103 of the Government Code is amended to read:

53103. “Direct dispatch method,” as used in this article, means a telecommunications service providing for the dispatch of an appropriate emergency service unit upon receipt of a telecommunications request for these services and a decision as to the proper action to be taken.

1 SEC. 4. Section 53104 of the Government Code is amended
2 to read:

3 53104. “Relay method,” as used in this article, means a
4 telecommunications service whereby pertinent information is
5 noted by the recipient of a telecommunications request for
6 emergency services, and is relayed to appropriate public safety
7 agencies or other providers of emergency services for dispatch of
8 an emergency service unit.

9 SEC. 5. Section 53105 of the Government Code is amended
10 to read:

11 53105. “Transfer method,” as used in this article, means a
12 telecommunications service that receives telecommunications
13 requests for emergency services and directly transfers these
14 requests to an appropriate public safety agency or other provider
15 of emergency services.

16 SEC. 6. Section 53106 of the Government Code is amended
17 to read:

18 53106. “Referral method,” as used in this article, means a
19 telecommunications service that, upon the receipt of a
20 telecommunications request for emergency services, provides the
21 requesting party with the telephone number of the appropriate
22 public safety agency or other provider of emergency services. The
23 use of the referral method shall only be used for nonemergency
24 situations.

25 SEC. 7. Section 53107 of the Government Code is repealed.

26 SEC. 8. Section 53107 is added to the Government Code, to
27 read:

28 53107. “Reporting system,” as used in this article, means a
29 telecommunications service that automatically connects a person
30 who uses another telecommunications service, including 9-1-1
31 circuits, to an established public safety answering point through
32 telecommunications service facilities and is capable of
33 automatically identifying the caller’s number, automatically
34 locating the caller, holding the incoming call, reconnecting on the
35 same telephone line, clearing a telephone line, or automatically
36 call routing, or any combination of these capabilities.

37 SEC. 9. Section 53108 of the Government Code is repealed.

38 SEC. 10. Section 53108.1 of the Government Code is
39 amended to read:



1 53108.1. “Incremental costs,” as used in this article, means
2 any costs necessary for the establishment and maintenance of a
3 system required by this article and approved for reimbursement by
4 the 9-1-1 Committee established by Section 53115.2 other than
5 costs for any of the following if they are reasonable, necessary, and
6 unique for the planning and efficient implementation of a local
7 agency’s telecommunications emergency response system:

8 (a) A reporting system

9 (b) A geographically referenced statewide base mapping
10 system.

11 (c) A regionalized client server database system.

12 SEC. 11. Section 53108.5 of the Government Code is
13 amended to read:

14 53108.5. “Telecommunications Division,” as used in this
15 article, means the Telecommunications Division of the
16 Department of General Services.

17 SEC. 12. Section 53109 of the Government Code is amended
18 to read:

19 53109. Every local public agency within its respective
20 jurisdiction shall establish and have in operation a reporting
21 system as provided in this article, and connectivity to the
22 telecommunications emergency response system, or be part of this
23 system. All reporting systems shall have prior approval of the
24 9-1-1 Committee.

25 The establishment of the reporting systems shall be centralized
26 to the extent feasible. Nothing in this article shall be construed to
27 prohibit or discourage in any way the formation of
28 multijurisdictional or regional systems, and any system
29 established pursuant to this article may include the territory of
30 more than one public agency or may include a segment of the
31 territory of a public agency.

32 SEC. 13. Section 53109.5 of the Government Code is
33 repealed.

34 SEC. 14. Section 53112 of the Government Code is amended
35 to read:

36 53112. All systems shall be designed to meet the specific
37 requirements of each community and public agency served by the
38 system. Every reporting system, shall be designed to have the
39 capability of utilizing at least three of the methods described in
40 Sections 53103 to 53106, inclusive, in response to emergency

1 calls. The Legislature finds and declares that the most critical
2 aspect of the design of any system is the procedure established for
3 handling a telecommunications request for emergency services.

4 In addition, to maximize efficiency and utilization of the
5 system, all pay telephones within each system shall, enable a caller
6 to dial “9-1-1” for emergency services, and to reach an operator
7 by dialing “0” without the necessity of inserting a coin. All public
8 safety answering points shall have access to operators who speak
9 other languages, in addition to English, on duty or available
10 through interagency telephone conference procedures at all times
11 for telecommunications emergency services.

12 In addition, all systems shall require installation of a
13 telecommunications device capable of servicing the needs of the
14 deaf or severely hearing impaired at all public safety answering
15 points. The device shall be compatible with devices furnished by
16 telephone corporations pursuant to Section 2831 of the Public
17 Utilities Code.

18 SEC. 15. Section 53113 of the Government Code is amended
19 to read:

20 53113. The Legislature finds that, because of overlapping
21 jurisdiction of public agencies, public safety agencies, and
22 telecommunications service areas, a general overview or plan
23 should be developed prior to the establishment of any system. In
24 order to insure that proper preparation and implementation of
25 these systems is accomplished by all public agencies, the
26 Telecommunications Division, with the advice and assistance of
27 the Attorney General, shall secure compliance by public agencies
28 as provided in this article.

29 SEC. 16. Section 53114 of the Government Code is amended
30 to read:

31 53114. The Telecommunications Division, with the advice
32 and assistance of the Attorney General, shall coordinate the
33 implementation of systems established pursuant to this article. The
34 Telecommunications Division, with the advice and assistance of
35 the Attorney General, shall provide funding to local public
36 agencies and local public safety agencies to establish and maintain
37 a telecommunications emergency response system, and shall aid
38 these agencies in the formulation of concepts, methods, and
39 procedures that will improve the operation of systems required by

1 this article and that will increase cooperation between public
2 safety agencies.

3 SEC. 17. Section 53114.1 of the Government Code is
4 repealed.

5 SEC. 18. Section 53114.2 of the Government Code is
6 amended to read:

7 53114.2. Technical and operational standards for the
8 telecommunications emergency response system shall be
9 established and reviewed by the 9-1-1 Committee on or before
10 December 31, 2004. The National Emergency Number
11 Association (NENA) Standards For Recommended Formats and
12 Protocols For Data Exchange (02-010) and NENA Recommended
13 Standards For Local Exchange Carriers, ALI Service Providers,
14 and 911 Service Jurisdictions (02-011) shall be adopted by
15 reference and required for all agencies, vendors, and
16 telecommunications service providers having any connectivity to
17 the telecommunications emergency response system. The 9-1-1
18 Committee shall review and update technical and operational
19 standards for public agency systems on a continuous basis.

20 SEC. 19. Section 53115 of the Government Code is amended
21 to read:

22 53115. (a) Each public agency shall submit tentative plans
23 for the establishment of a system required by this article to the
24 public utility or utilities providing public telecommunications
25 service within the respective jurisdiction of each public agency. A
26 copy of each plan shall be filed with the Telecommunications
27 Division.

28 (b) Each public agency shall submit final plans to the
29 Telecommunications Division for approval. The final plan shall
30 identify all planning, implementation, installation, and operating
31 costs the local agency feels necessary to implement the system
32 required by this article. Public agencies shall place a firm order as
33 approved by the 9-1-1 Committee to the utility or utilities
34 providing telecommunications service to the public agency, and
35 shall make arrangements with these utilities for the
36 implementation of the planned telecommunications emergency
37 response system.

38 (c) Plans filed pursuant to subdivisions (a) and (b) shall
39 conform to minimum standards established pursuant to Section
40 53114.2.

1 (d) The Telecommunications Division shall monitor all
2 telecommunications emergency response systems to ensure they
3 comply with minimal operational and technical standards as
4 established by the 9-1-1 Committee. If any system does not
5 comply, the Telecommunications Division shall notify in writing
6 the public agency or agencies operating the system of its
7 deficiencies. The public agency shall bring the system into
8 compliance with the operational and technical standards within 60
9 days of notice by the division. Failure to comply within this time
10 shall subject the public agency to action by the Attorney General
11 pursuant to Section 53116. No funds shall be provided to any
12 agency, vendor, or service provider that is noncompliant.

13 SEC. 20. Section 53115.2 of the Government Code is
14 amended to read:

15 53115.2. The 9-1-1 Committee shall consist of one
16 representative from the California Chapter of the National
17 Emergency Numbering Association, one representative from the
18 California State Sheriff's Association, one representative from the
19 California Police Chief's Association, and one representative
20 from the California Fire Chief's Association. The 9-1-1
21 Committee, in addition to the other duties specified in this article,
22 shall have the following duties:

23 (a) The committee shall evaluate requests from local agencies
24 for state assistance for incremental costs and recommend to the
25 Chief of the Telecommunications Division of the Department of
26 General Services when appropriation for reimbursement to a local
27 agency for the incremental costs should be made. The committee
28 shall only review final plans which have been referred for
29 consideration for incremental funding by the Telecommunications
30 Division at the request of a local agency. The committee shall
31 make a recommendation to the Communications Division
32 regarding state appropriations for payment or reimbursement for
33 incremental costs.

34 (b) The committee shall, upon request of a local public agency,
35 conduct a hearing on any conflict between a local public agency
36 and the Telecommunications Division regarding a final plan which
37 has not been approved by the Telecommunications Division
38 pursuant to Section 53115. The committee shall meet within 30
39 days following ~~such~~ *the* request, and shall make a recommendation
40 to resolve the conflict to the Telecommunications Division within



1 90 days following the initial hearing by the committee pursuant to
2 ~~such~~ the request.

3 (c) The committee may also act in a general advisory capacity
4 to the Telecommunications Division relative to the
5 implementation of any “9-1-1” system.

6 SEC. 21. Section 53115.3 of the Government Code is
7 amended to read:

8 53115.3. When proposed implementation of a
9 telecommunications emergency response system by a single
10 public agency within its jurisdiction may adversely affect the
11 implementation of the system by a neighboring public agency or
12 agencies, the neighboring public agency may request that the 9-1-1
13 Committee evaluate the impact of implementation by the
14 proposing public agency and evaluate and weigh that impact in its
15 decision to approve or disapprove the proposing public agency’s
16 final plan pursuant to Section 53115. In order to effectuate this
17 process, each city shall file a notice of filing of its final plan with
18 each adjacent city and with the county in which the proposing
19 public agency is located at the same time the final plan is filed with
20 the Telecommunications Division and each county shall file a
21 notice of filing of its final plan with each city within the county and
22 each adjacent county at the time ~~such~~ the final plan is filed with the
23 Telecommunications Division. Any public agency wishing to
24 request review pursuant to this section shall file its request with the
25 administrative board within 30 days of filing of the final plan for
26 which review is sought.

27 SEC. 22. Section 53116 of the Government Code is amended
28 to read:

29 53116. The Attorney General may, on behalf of the
30 Telecommunications Division or on his or her own initiative,
31 commence judicial proceedings to enforce compliance by any
32 public agency or public utility providing telecommunications
33 service with the provisions of this article.

34 SEC. 23. Section 53117 of the Government Code is amended
35 to read:

36 53117. The 9-1-1 Committee shall report annually to the
37 Legislature the progress in the implementation of systems required
38 by this article. These reports shall contain its recommendations for
39 additional legislation and funding.

40 SEC. 24. Section 53119 of the Government Code is repealed.

1 SEC. 25. Section 53120 of the Government Code is repealed.

2 SEC. 26. Section 41001 of the Revenue and Taxation Code is
3 amended to read:

4 41001. This part is known and may be cited as the
5 “Emergency Telecommunications Surcharge Act.”

6 SEC. 27. Section 41007 of the Revenue and Taxation Code is
7 amended to read:

8 41007. (a) “Service supplier” shall mean any person
9 supplying intrastate telecommunications services pursuant to
10 California intrastate tariffs to any service user in this state.

11 (b) On and after January 1, 1988, “service supplier” also
12 includes any person supplying intrastate telecommunications
13 services for whom the Public Utilities Commission, by rule or
14 order, modifies or eliminates the requirement for that person to
15 prepare and file California intrastate tariffs.

16 SEC. 28. Section 41009 of the Revenue and Taxation Code is
17 amended to read:

18 41009. “Service user” means any person using intrastate
19 telecommunications services in this state who is required to pay a
20 surcharge pursuant to this part.

21 SEC. 29. Section 41010 of the Revenue and Taxation Code is
22 amended to read:

23 41010. “Intrastate telecommunications services” means all
24 local or toll telecommunications services where the point or points
25 of origin and the point or points of destination of the service are
26 all located in this state.

27 SEC. 30. Section 41011 of the Revenue and Taxation Code is
28 amended to read:

29 41011. “Charges for services” means all charges billed by a
30 service supplier to a service user for intrastate telecommunications
31 services and shall mean local telecommunications service and
32 include monthly service flat-rate charges for usage, message unit
33 charges and shall mean toll charges, and include
34 intra-statewide-area telecommunications service charges.
35 “Charges for services” shall not include any tax imposed by the
36 United States or by any charter city, charges for service paid by
37 inserting coins in a public coin-operated telephone, and shall not
38 apply to amounts billed to nonsubscribers for coin shortages.
39 Where a coin-operated telephone service is furnished for a

1 guarantee or other periodic amount, this amount is subject to the
2 surcharge imposed by this part.

3 “Charges for services” shall not include charges for intrastate
4 toll calls where bills for these calls originate out of California.

5 “Charges for services” shall not include charges for any
6 nonrecurring, installation, service connection or one-time charge
7 for service or directory advertising, and shall not include private
8 telecommunications service charges, charges for other than
9 telecommunications service, or any charge made by a hotel or
10 motel for service rendered in placing calls for its guests regardless
11 of how the hotel or motel charge is denominated or characterized
12 by an applicable tariff of the Public Utilities Commission of this
13 state.

14 “Charges for services” shall not include charges for basic
15 exchange line service for lifeline services.

16 SEC. 31. Section 41012 of the Revenue and Taxation Code is
17 amended to read:

18 41012. “Public telephone” means any coin-operated
19 telephone provided by the serving telecommunications company
20 accessible to the public.

21 SEC. 32. Section 41013 of the Revenue and Taxation Code is
22 amended to read:

23 41013. “Surcharge” means a fee levied by this state.

24 SEC. 33. Section 41015 of the Revenue and Taxation Code is
25 amended to read:

26 41015. “Local telecommunications service” shall mean both
27 of the following:

28 (a) The access to a local telecommunications system, and the
29 privilege of telephonic quality communication with substantially
30 all persons having telecommunications stations constituting a part
31 of the local telecommunications system.

32 (b) Any facility or service provided in connection with a
33 service described in subdivision (a).

34 The term “local telecommunications service” does not include
35 any service that is a “toll telephone service” or a “private
36 telecommunications service.”

37 SEC. 34. Section 41016 of the Revenue and Taxation Code is
38 amended to read:

39 41016. “Toll telephone service” shall mean a combination of
40 the following:

1 (a) A telephonic quality communication for which (1) there is
2 a toll charge which varies in amount with the distance and elapsed
3 transmission time of each individual communication and (2) the
4 charge is paid within the United States.

5 (b) A service that entitles the subscriber, upon payment of a
6 periodic charge (determined as a flat amount or upon the basis of
7 total elapsed transmission time), to the privilege of an unlimited
8 number of telephonic communications to or from all or a
9 substantial portion of the persons having telecommunications
10 stations in a specified area that is outside the local
11 telecommunications system area in which the station provided
12 with this service is located.

13 SEC. 35. Section 41017 of the Revenue and Taxation Code is
14 amended to read:

15 41017. "Private telecommunications service" shall mean all
16 of the following:

17 (a) The telecommunication service furnished to a subscriber
18 that entitles the subscriber to do all of the following:

19 (1) To exclusive or priority use of any telecommunications
20 channel or groups of channels.

21 (2) To the use of an intercommunication system for the
22 subscriber's stations, regardless of whether the channel, groups of
23 channels, or intercommunication system may be connected
24 through switching with a service described in Sections 41015 and
25 41016.

26 (b) Switching capacity, extension lines and stations, or other
27 associated services that are provided in connection with, and are
28 necessary or unique to the use of channels or systems described in
29 subdivision (a).

30 (c) The channel mileage that connects a telecommunications
31 station located outside a local telecommunications system area
32 with a central office in the local telecommunications system,
33 except that this term shall not include any telecommunications
34 service unless a separate charge is made for this service.

35 SEC. 36. Section 41018 of the Revenue and Taxation Code is
36 amended to read:

37 41018. "Telecommunications equipment company" shall
38 mean a manufacturer or vendor that sells or leases
39 telecommunications equipment.

1 SEC. 37. Section 41020 of the Revenue and Taxation Code is
2 amended to read:

3 41020. (a) A surcharge is hereby imposed on amounts paid
4 by every person in the state for intrastate telecommunications
5 service in this state commencing on July 1, 1977.

6 (b) The surcharge imposed shall be at the rate of one-half of 1
7 percent of the charges made for telecommunications services to
8 and including November 1, 1982, and thereafter at a rate fixed
9 pursuant to Article 2 (commencing with Section 41030).

10 (c) The surcharge shall be paid by the service user as hereinafter
11 provided.

12 (d) In accordance with the Mobile Telecommunications
13 Sourcing Act (P.L. 106-252), which is incorporated herein by
14 reference, the surcharge imposed under this section does not apply
15 to any charges for mobile telecommunications services billed to a
16 customer where those services are provided, or deemed provided,
17 to a customer whose place of primary use is outside this state.
18 Mobile telecommunications services shall be deemed provided by
19 a customer's home service provider to the customer if those
20 services are provided in a taxing jurisdiction to the customer, and
21 the charges for those services are billed by or for the customer's
22 home service provider.

23 (e) For purposes of this section all of the following definitions
24 shall apply:

25 (1) "Charges for mobile telecommunications services" means
26 any charge for, or associated with, the provision of commercial
27 mobile radio service, as defined in Section 20.3 of Title 47 of the
28 Code of Federal Regulations, as in effect on June 1, 1999, or any
29 charge for, or associated with, a service provided as an adjunct to
30 a commercial mobile radio service, that is billed to the customer
31 by or for the customer's home service provider, regardless of
32 whether individual transmissions originate or terminate within the
33 licensed service area of the home service provider.

34 (2) "Customer" means (A) the person or entity that contracts
35 with the home service provider for mobile telecommunications
36 services, or (B) if the end user of mobile telecommunications
37 services is not the contracting party, the end user of the mobile
38 telecommunications service. This paragraph applies only for the
39 purpose of determining the place of primary use. The term
40 "customer" does not include (A) a reseller of mobile

1 telecommunications service, or (B) a serving carrier under an
2 arrangement to serve the customer outside the home service
3 provider's licensed service area.

4 (3) "Home service provider" means the facilities-based carrier
5 or reseller with which the customer contracts for the provision of
6 mobile telecommunications services.

7 (4) "Licensed service area" means the geographic area in
8 which the home service provider is authorized by law or contract
9 to provide commercial mobile radio service to the customer.

10 (5) "Mobile telecommunications service" means commercial
11 mobile radio service, as defined in Section 20.3 of Title 47 of the
12 Code of Federal Regulations, as in effect on June 1, 1999.

13 (6) "Place of primary use" means the street address
14 representative of where the customer's use of the mobile
15 telecommunications service primarily occurs, that must be:

16 (A) The residential street address or the primary business street
17 address of the customer.

18 (B) Within the licensed service area of the home service
19 provider.

20 (7) (A) "Reseller" means a provider who purchases
21 telecommunications services from another telecommunications
22 service provider and then resells the services, or uses the services
23 as a component part of, or integrates the purchased services into,
24 a mobile telecommunications service.

25 (B) "Reseller" does not include a serving carrier with which
26 a home service provider arranges for the services to its customers
27 outside the home service provider's licensed service area.

28 (8) "Serving carrier" means a facilities-based carrier
29 providing mobile telecommunications service to a customer
30 outside a home service provider's or reseller's licensed area.

31 (9) "Taxing jurisdiction" means any of the several states, the
32 District of Columbia, or any territory or possession of the United
33 States, any municipality, city, county, township, parish,
34 transportation district, or assessment jurisdiction, or any other
35 political subdivision within the territorial limits of the United
36 States with the authority to impose a tax, charge, or fee.

37 SEC. 38. Section 41021 of the Revenue and Taxation Code is
38 amended to read:

39 41021. Every service supplier shall collect the surcharge from
40 each service user at the time it collects its billings from the service

1 user, provided, the duty to collect the surcharge from a service user
2 shall commence with the beginning of the first regular billing
3 period applicable to that person which starts on or after the
4 operative date of the surcharge imposed by this part. If the stations
5 or lines of more than one service supplier are utilized in furnishing
6 the telecommunications services to the service user, the service
7 supplier that bills the customer shall collect the surcharge from the
8 customer.

9 Only one payment under this part shall be required with respect
10 to the surcharge on any service, notwithstanding that the lines or
11 stations of one or more service suppliers are used in furnishing this
12 service.

13 SEC. 39. Section 41025 of the Revenue and Taxation Code is
14 amended to read:

15 41025. If a bill is rendered to persons using intrastate
16 telecommunications services the amount on which the surcharge
17 with respect to these telecommunications services shall be based
18 shall be the sum of all charges for the services included in the bill;
19 except that if the person who renders the bill groups individual
20 items for purposes of rendering the bill and computing the
21 surcharge then the amount on which the surcharge with respect to
22 each group shall be based, shall be the sum of all items within that
23 group, and the surcharge on the remaining items not included in
24 ~~any such~~ *that* group, shall be based on the charge for each item
25 separately.

26 SEC. 40. Section 41027 of the Revenue and Taxation Code is
27 amended to read:

28 41027. Nothing in this part shall be construed as imposing a
29 surcharge upon amounts paid by any person when imposition of
30 the surcharge would be in violation of the Constitution of the
31 United States, the United States Code, or the laws of the State of
32 California, nor upon toll charges used in the collection and
33 dissemination of news for the public press or on charges for wide
34 area telecommunications service used by common carriers in the
35 conduct of their business.

36 SEC. 41. Section 41030 of the Revenue and Taxation Code is
37 amended to read:

38 41030. The Department of General Services shall determine
39 annually, on or before September 1, a surcharge rate that it
40 estimates will produce sufficient revenue to fund the current fiscal

1 year's telecommunications emergency response system costs. The
2 surcharge rate shall be determined by dividing the costs (including
3 incremental costs) the Department of General Services estimates
4 for the current fiscal year of telecommunications emergency
5 response system plans approved pursuant to Section 53115 of the
6 Government Code, less the available balance in the State
7 Emergency Telephone Number Account in the General Fund, by
8 its estimate of the charges for intrastate telephone communications
9 services to which the surcharge will apply for the period of
10 November 1 of the current calendar year to October 31 of the next
11 succeeding calendar year, but in no event shall the surcharge rate
12 in any year be greater than ~~2 percent nor less than 1 percent.~~
13 *three-quarters of 1 percent nor less than one-half of 1 percent.*

14 SEC. 42. Section 41031 of the Revenue and Taxation Code is
15 amended to read:

16 41031. The Department of General Services shall make its
17 determination of the surcharge rate each year no later than
18 September 1 and shall notify the board of the new rate, which shall
19 be fixed by the board to be effective with respect to charges made
20 for intrastate telecommunications services on or after November
21 1 of each year.

22 SEC. 43. Section 41136 of the Revenue and Taxation Code is
23 amended to read:

24 41136. Funds in the State Emergency Telephone Number
25 Account shall, when appropriated by the Legislature, be spent
26 solely for the following purposes:

27 (a) To pay refunds authorized by this part.

28 (b) To pay the State Board of Equalization for the cost of the
29 administration of this part.

30 (c) To pay the Department of General Services for its costs in
31 administration of the telecommunications emergency response
32 system.

33 (d) To pay bills submitted to the Department of General
34 Services by service suppliers or telecommunications equipment
35 companies for the installation of, and ongoing expenses for, the
36 following telecommunications services supplied to local agencies
37 in connection with the telecommunications emergency response
38 system:

39 (1) A reporting system.

40 (2) Approved incremental costs.

1 (3) A geographically referenced statewide base mapping
2 system.

3 (4) A regionalized master street address guide.

4 (5) An automatic location identification database client server
5 system.

6 (e) To pay claims of local agencies for approved incremental
7 costs, not previously compensated for by another governmental
8 agency.

9 SEC. 44. Section 41137 of the Revenue and Taxation Code is
10 amended to read:

11 41137. The Department of General Services shall pay, from
12 funds appropriated from the State Emergency Telephone Number
13 Account by the Legislature, as provided in Section 41138, bills
14 submitted by service suppliers or telecommunications equipment
15 companies for the installation and ongoing costs of the following
16 telecommunications services provided to local agencies by service
17 suppliers in connection with the telecommunications emergency
18 response system:

19 (a) A reporting system.

20 (b) Approved incremental costs that have been concurred in by
21 the administrative board.

22 (c) A geographically referenced statewide base mapping
23 system.

24 (d) A regionalized master street address guide.

25 (e) An automatic location identification database client server
26 system.

27 SEC. 45. Section 41137.1 of the Revenue and Taxation Code
28 is amended to read:

29 41137.1. The Department of General Services shall pay, from
30 funds appropriated from the State Emergency Telephone Number
31 Account by the Legislature, as provided in Section 41138, claims
32 submitted by local agencies for approved incremental costs and for
33 the cost of preparation of final plans submitted to the
34 Telecommunications Division for approval as provided in Section
35 53115 of the Government Code.

36 SEC. 46. Section 41138 of the Revenue and Taxation Code is
37 amended to read:

38 41138. (a) It is the intent of the Legislature that the
39 reimbursement rates for customer premise equipment shall not
40 exceed specified amounts negotiated with each interested supplier

1 and approved by the administrative board. The department shall
2 negotiate supplier pricing to ensure cost effectiveness and the best
3 value for the telecommunications emergency response system.
4 The department shall pay those bills as provided in Section 41137
5 only under the following conditions:

6 (1) The department shall have received the local agency's
7 telecommunications emergency response system plan and
8 received administrative board approval.

9 (2) The Legislature has appropriated in the Budget Bill an
10 amount sufficient to pay those bills.

11 (3) The department has reviewed and approved each line item
12 of a request for funding to ensure the necessity of the proposed
13 equipment or services and the eligibility for reimbursement prior
14 to seeking administrative board approval.

15 (4) The amounts to be paid do not exceed the pricing submitted
16 by the supplier and approved by the administrative board.
17 Extraordinary circumstances may warrant spending in excess of
18 the established rate, but shall be preapproved by the administrative
19 board. In determining the reimbursement rate, the administrative
20 board shall utilize the approved pricing submitted by the supplier
21 providing the equipment or service.

22 (b) Nothing in this section shall be construed to limit an
23 agency's ability to select a supplier or procure telecommunications
24 equipment as long as the supplier's pricing is preapproved by the
25 administrative board. Agencies shall be encouraged to procure
26 equipment on a competitive basis. Any amount in excess of the
27 pricing approved by the administrative board shall not be
28 reimbursed.

29 SEC. 47. Section 41140 of the Revenue and Taxation Code is
30 amended to read:

31 41140. The Department of General Service shall reimburse
32 local agencies, from funds appropriated from the Emergency
33 Telephone Number Account by the Legislature, for amounts not
34 previously compensated for by another governmental agency,
35 which have been paid by ~~such~~ *these* agencies for approved
36 incremental costs or to service suppliers or telecommunications
37 equipment companies for the following telecommunications
38 services supplied in connection with the telecommunications
39 emergency response system, provided the local agency plans had
40 been approved by the administrative board:

1 (1) A reporting system.

2 (2) Approved incremental costs.

3 (3) A geographically referenced statewide base mapping
4 system.

5 (4) A regionalized master street address guide.

6 (5) An automatic location identification, database client server
7 system.

8 SEC. 48. Section 41141 of the Revenue and Taxation Code is
9 amended to read:

10 41141. Claims for reimbursement shall be submitted by local
11 agencies to the Telecommunications Division in the Department
12 of General Services, which shall present all claims to the
13 administrative board. The administrative board shall determine
14 payment eligibility and shall reduce the claim for charges that
15 exceed the approved incremental costs, approved contract
16 amounts, or the established tariff rates for these costs. No claim
17 shall be paid until funds are appropriated by the Legislature.

18 SEC. 49. Section 41142 of the Revenue and Taxation Code is
19 amended to read:

20 41142. Notwithstanding any other provision of this article, if
21 the Legislature fails to appropriate an amount sufficient to pay bills
22 submitted to the Department of General Services by service
23 suppliers or telecommunications equipment companies for the
24 installation and ongoing telecommunications services supplied to
25 local agencies in connection with the telecommunications
26 emergency response system, the obligation of service suppliers
27 and local agencies to provide telecommunications emergency
28 service shall terminate and this service shall not again be required
29 until the Legislature has appropriated an amount sufficient to pay
30 such bills or claims. Nothing in this part shall preclude local
31 agencies from purchasing or acquiring any telecommunications
32 equipment from companies other than the telephone service
33 suppliers.

34 SEC. 50. Section 41150 of the Revenue and Taxation Code is
35 amended to read:

36 41150. The Legislature hereby declares and finds that to
37 enable public agencies to implement telecommunications
38 emergency systems required by the provisions of Chapter 1005 of
39 the 1972 Regular Session (Article 6 (commencing with Section
40 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the

- 1 Government Code) it is necessary that a surcharge be imposed
- 2 upon amounts paid by every person in the state for intrastate
- 3 telecommunications services in this state.

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